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## **South Florida Water Management District**

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### **GOVERNING BOARD MEETING MINUTES**

November 9, 2006

9:00 AM

Ocean Reef Club - North Ballroom

35 Ocean Reef Drive

Key Largo, Florida 33037

Members Present:

**Irela Bagué, Vice-Chair**

**Miya Burt-Stewart**

**Alice Carlson**

**Michael Collins**

**Nicolás Gutiérrez**

**Lennart Lindahl**

**Kevin McCarty, Chair**

**Harkley Thornton**

**Malcolm Wade**

**1. Call to Order** - Kevin McCarty, Chair, Governing Board

Chair McCarty called the meeting to order at 9:26 am.

At 9:28 am, Chair McCarty announced the Governing Board would adjourn to closed-door session (Item 75).

Chair McCarty reconvened the meeting at 9:48 am.

**2. Pledge of Allegiance** - Kevin McCarty, Chair, Governing Board

Tom Olliff, Assistant Executive Director, led the group in the Pledge of the Allegiance.

**3. The South Florida Water Management District FY06 Vital Signs Report** - Carol Wehle, Executive Director

Carol Wehle, Executive Director, presented information on Vital Signs Report for FY2006.

Ms. Wehle reported on the Everglades Restoration, Acceler8 highlights, CERP Progress, and Indicators of Success. Ms. Wehle also provided information on the strategic priorities.

**4. Agenda Addendum**

Jacki McGorty, District Clerk, read into the record the agenda addendum. Copies of the addendum were made available to the public.

**5. Abstentions by Board Members from items on the Agenda**

Mr. Wade announced his abstention.

**6. Public Comment on Consent Agenda**

No comment.

**7. Board Comment on Consent Agenda**

No comment.

**8. Move Consent Agenda Items to Discussion Agenda Items**

No items were moved from the Consent Agenda to the Discussion Agenda.

**Consent Agenda**

**Water Resources**

9. Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Lake Okeechobee SWIM Works of the District Permit Applications

Denials

Environmental Resource Permit Extensions

Consent Agreements

Page 3 No 1 Forest Glen of Naples (WU): **Postponed** to December Board

Page 3 No 4 Grainger Immokalee Farm (WU): **Postponed** to January Board

Page 4 No 6 Saddlebrook Lakes (ERP): **Postponed** to December Board

Page 4 No 7 The Strand (WU): **Postponed** to December Board

Page 7 No 5 Moody River Estates East (ERP): **Postponed** to January Board

Page 7 No 6 Oak Creek (ERP): **Postponed** to January Board

Page 7 No 8 Stratford Downs (ERP): **Postponed** to December Board

Page 9 No 1 Golfstream Turf (WU): **Postponed** to January Board

Page 16 No 2 Provinces(ERP): **Postponed** to December Board

Page 16 No 3 Southern Groves (ERP): **Postponed** to January Board

Page 17 No 2 Sheridan House Family (WU Denial): **Removed** from Agenda

Page 19 No 1 Cedar Hammock Golf & Country Club (WU Denial): **Removed** from Agenda

Page 20 No 2 JR Martin Farms (WU Denial): **Removed** from Agenda

Page 22 No 7 Walmart 5454-00 Dewatering (WU Denial): **Removed** from Agenda

Page 24 No 1 Sunset Groves (WU Denial): **Removed** from Agenda

Page 25 No 1 AB at Tamiami Trail Phases 2-5 (ERP Denial): **Withdrawn**

Page 25 No 2 Bally's Hialeah (ERP Denial): **Removed** from Agenda

Page 25 No 3 Doral 58 (ERP Denial): **Withdrawn**

Page 25 No 4 One Miami Water Taxi Dock (ERP Denial): **Removed** from Agenda

Page 26 No 5 Palmetto West (WU Denial): **Removed** from Agenda

Page 29 No 2 Garden Lakes (WU Denial): **Postponed** to December Board

**10. Right of Way Occupancy New Permits**

Right of Way Occupancy Permit Requests with Waiver of District

**11. Enter a Final Order Concurring with Executive Directors Water Shortage Emergency Order Number 2006-159-DAO-WS declaring a water shortage emergency within portions of the Indian Prairie Water Use Basin (IP) and imposing Phase I Water Shortage Restrictions within portions of the IP in Glades and Highland Counties. (Scott Burns, ext: 6817)**

**12. Concurrence with the Granting of Temporary Variances from Water Shortage Restrictions Imposed within the Indian Prairie Basin (Scott Burns, ext. 6817)**

**13. 2006-1100 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into seven 1-year agreements with Indian River Lagoon License Plate Program qualifying applicants to support habitat restoration, water quality improvement, and associated education projects, located in Palm Beach, St. Lucie, and Martin counties, in the total amount not to exceed \$203,716, for which \$200,000 in dedicated funds (Indian River Lagoon Tag Fund) is budgeted, and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number 4600000454) (Pat Gostel, ext. 3612)**

**14. Authorize publication of the Notice of Rule Development in the Florida Administrative Weekly (FAW) to update references in the District's rules to the "Operating Agreement Concerning the Regulation under Part IV, Chapter 373, F.S., Aquaculture General Permits under Section 403.814, F.S., between the South Florida Water Management District and Department of Environmental Protection". (Anita Bain, ext. 6866)**

**CERP**

**15. 2006-1101 A Resolution of the Governing Board of the South Florida Water Management District Approving Staff Recommendations For Releases of District Canal, Mineral and Road Reservations, Releases of Trustees of The Internal Improvement Trust Fund (T.I.I.T.F.) Canal Reservations, and Issuance of Non-Use Commitments; Providing An Effective Date. (V. Rada X6836)**

16. **2006-1102** A Resolution of the Governing Board of The South Florida Water Management District Advising The Department of Environmental Protection of the Use of \$6,786.92 from the Water Management Lands Trust Fund For The 2005 Payment In Lieu of Taxes To Hendry County For Actual Ad Valorem Tax Losses Incurred as a Result of Land Purchased by the District, Requesting the Department to Reimburse the District for this Payment; Providing an Effective Date (R. Clements x6271)
17. **2006-1103** A Resolution of the Governing Board of the South Florida Water Management District Advising the Department of Environmental Protection of the Use of \$2,766.60 from the Water Management Lands Trust Fund For the 2006 Payment In Lieu of Taxes to Highlands County for Actual Ad Valorem Tax Losses Incurred as a Result of Land Purchased by the District, Requesting the Department of Environmental Protection to Reimburse the District for this Payment; Providing an Effective Date (R. Clements x6271)
18. **2006-1104** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into a 25-year Cooperative Agreement with Martin County for recreational management on District lands in Martin County, at no additional cost to the District; providing an effective date. Contract Number 4600000450)
19. **2006-1105** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 50 year lease with City of Bonita Springs, FL for the use and benefit of the Bonita Springs Parks and Recreation Department; providing an effective date. (Contract Number 4600000380)
21. **2006-1107** A Resolution of the Governing Board of the South Florida Water Management District Amending the Authorization For Eminent Domain Proceedings To Reflect An Acreage Adjustment From 302.77 Acres, More or Less, to 309.91 Acres, Established By Survey, In Okeechobee County, Florida, Which Lands Are Part of the Kissimmee River Restoration Project For Which Ad Valorem Funds Are Budgeted; Providing An Effective Date. (B. Katz x6837)
22. **2006-1108** A Resolution of the Governing Board of the South Florida Water Management District Advising the Department of Environmental Protection of the Proposed Purchase of Lands Consisting of 309.91 Acres, More or Less, in Okeechobee County, Florida, Which Are Part of the Kissimmee River Restoration Project and Requesting the Release of Funds For Acquisition of Such Lands; Providing An Effective Date. (B. Katz, x6837)

23. **2006-1109** A Resolution of the Governing Board of the South Florida Water Management District to Declare as Surplus and Authorize an Exchange of Land Interests Wherein the South Florida Water Management District conveys a Temporary Construction Easement for the Construction of a Bulkhead and Approximately a 30-Foot Wide Access Easement to Indiantown Marine Services, LLC., in Exchange for a Right of Entry from Indiantown Marine Services, LLC., to Install, Operate and Maintain During Project Construction Temporary Pumps and Infrastructure at the Spillway Allapattah No. 1, C-44 Reservoir/Stormwater Treatment Area Project, C-44 Basin, in Martin County, at No Cost; Providing an Effective Date.(B. Katz, x6837)
24. **2006-1110** A Resolution of the Governing Board of the South Florida Water Management District amending the funding source of South Florida Water Management District Resolution No. 2002-424 authorizing the condemnation of land interests containing, inter alia, 60 acres, more or less, in Lee County, for the Critical Crew Project, in the amount of \$2,254,015 to substitute funding from the Wetlands Mitigation Trust Fund in the amount of \$850,000 for ad valorem funds in the same amount, used in the original transaction; providing an effective date.
25. **2006-1111** A Resolution of The Governing Board of The South Florida Water Management District Authorizing Eminent Domain Proceedings For The Acquisition of Certain Lands Consisting of 367.03 Acres, More Or Less, In Miami-Dade County, Florida, Which Are Part of The Biscayne Bay Coastal Wetlands Phase 1 Acceler8, CERP, For Which Dedicated (Save Our Everglades Trust Fund) Funds Are Budgeted And Approve a Budget Transfer of CERP Ad Valorem Funds From Lake Okeechobee Watershed and Program Support to Biscayne Bay Coastal Wetlands; Providing an Effective Date. (R. Schaeffer x2985).
26. **2006-1112** A Resolution of the Governing Board of the South Florida Water Management District Advising the Department of Environmental Protection of the Proposed Acquisition of Land Interests Containing 367.03 Acres, More or Less, in Miami-Dade County, Florida, Which Are Part of the Biscayne Bay Coastal Wetlands Phase 1 Acceler8, CERP, and Requesting the Release of Funds From Save Our Everglades Trust Fund For Acquisition of Such Land Interests; Providing An Effective Date (B. Schaeffer X2985)

#### **Executive Office**

27. **2006-1113** A Resolution of the Governing Board of the South Florida Water Management District authorizing an amendment to contract OT050030/3600000836 with Gary Goforth, Inc. for expert witness services in an amount not to exceed \$100,000.00 with no change in terms, for which dedicated funds (Everglades Trust Fund) are budgeted; providing an effective date. (Kirk Burns, x6546)
28. **2006-1114** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract OT050659 with Miami-Dade County for Chapman Field Park Wetlands Restoration to extend the term by 6 months from March 28, 2007 to September 27, 2007, in the amount of \$480,000 for which \$240,000 in dedicated funds (State Appropriations) and \$240,000 in Ad Valorem funds are budgeted; providing an effective date. (Contract Number 3600000894-A01) (Evan Skornick x7290)

29. **2006-1115** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an 18 Month agreement with the Town of Cutler Bay to develop a Stormwater Master Plan in the amount of \$200,000 for which \$100,000 of dedicated funds (State Appropriations) and \$100,000 of Ad Valorem Funds are budgeted; providing an effective date (Contract Number 460000495) (Evan Skornick x7290)
30. **2006-1116** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Sys-Tec Corporation and authorize a Special Procurement as an exception to the general standards of competition for an interactive asset inventory, control and management system to improve accountability and physical inventory of fixed assets and consumable supplies, in the amount of \$938,513.47 for which \$873,280.35 of ad valorem funds are budgeted in FY07 and the remainder is subject to Governing Board approval of the FY08 budget. (Tom McCracken, Ext. 6970 and Dave MacArthur, Ext 2676)
31. **2006-1117** A Resolution of the Governing Board of the South Florida Water Management District concurring with the Water Resources Advisory Commission (WRAC) October 5, 2006 Priority Plan Update; providing an effective date.

#### **Corporate Resources**

32. **2006-1118** A Resolution of the Governing Board of the South Florida Water Management District advising the Department of Environmental Protection of the adopted budget needs for Fiscal Year 2007, utilizing funds from the Water Management Lands Trust Fund; authorizing the Executive Director or her designee to request reimbursement quarterly based on actual expenditures; providing an effective date.
- Project Sponsor: Doug Bergstrom, Ext. 6214
33. **2006-1119** A Resolution of the Governing Board of the South Florida Water Management District to authorize a Waiver of Competition as an exception to the general standards of competition for the term of 10 months from November 9, 2006 to September 30, 2007, in the amount not to exceed \$240,000 of which ad valorem funds are budgeted in FY07 to procure the purchase of paper, printing, insertion and delivery services with the Sun-Sentinel Company for the Water Matters newsletter project; providing an effective date. (JoAnn Hyres, Ext. 6065)
34. **2006-1120** A Resolution of the Governing Board of the South Florida Water Management District to authorize establishing a Pre-qualified pool of construction contractors to provide the District with construction services as needed for a five (5) year period, from November 9, 2006 to November 8, 2011. (RFQ CN051214)

Project Sponsor: Frank Hayden, ext 6043

35. **2006-1121** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a ten year Guaranteed Energy Savings Performance contract with Siemens Building Technologies, Inc. to install high efficiency lighting upgrades in the amount of \$233,903, of which \$220,403 of ad valorem funds is budgeted in FY07, and the remainder is subject to Governing Board approval of the FY08-16 budgets; providing an effective date (SAP Contract Number 4600000442).(Project Manager: Craig Nyhuis)

#### **Operations and Maintenance**

36. **2006-1122** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 90 day contract with Metro Equipment Service, Inc., the lowest responsive and responsible bidder, for the C-51 Canal Bank Repairs, in the amount of \$746,527, for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600000455) (Jose Guardiario, ext. 2594)

#### **37. Board Vote on Consent Agenda**

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

#### Discussion Agenda

##### **Water Resources**

86. Update on Regional Water Availability (Scott Burns, ext. 6817)
87. Interim Strategy for Implementing Water Shortage based Allocations in the Lake Okeechobee Service Area (Scott Burns, ext. 6817) and Water Conditions Update (Susan Sylvester, ext. 6152)
38. Approve Modification of Environmental Resource Permit Application 060713-9 for construction and operation of a surface water management system and Water Use Permit Application 060810-5 for irrigation water use for 150 acres of landscape irrigation serving a 646.49 acre residential/commercial development known as Saturnia Falls (Collier County) (Robert M. Brown, ext. 6283)



Chip Merriam, Deputy Executive Director, Water Resources, presented information on this agenda item.

Public Comment: Jamie Furgang representing Audubon of Florida, provided public comment on this agenda item. She opposes this ERP modification.

Public Comment: Rafe Petersen, representing GL Homes, provided public comment on this agenda item. He said it will be an improvement with the eradication of melaleuca.

Mr. Collins provided comment and said this project meets all the criteria.

Motion made by Alice Carlson, seconded by Michael Collins to Approve the following item(s): 38

Vote called. Voting yes: Alice Carlson, Michael Collins, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 39.** Approve entering into Consent Agreement with Ronto Development Parklands, Inc., and Parklands Limited Partnership, to resolve enforcement for the premature construction of a road (Collier County) (Robert M. Brown, ext. 6283)

Chip Merriam, Deputy Executive Director, Water Resources, presented information on this agenda item.

Mr. Collins requested the Board revisit the fine structures.

Mr. Lindahl provided comment doesn't want this mitigated across the county line.

Motion made by Alice Carlson, seconded by Michael Collins to Approve the following item(s): 39

Vote called. Voting yes: Alice Carlson, Michael Collins, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 40.** Approve Water Use Permit Renewal application 041130-11 for the Ferncrest Utilities, Inc. service area to meet the demands of the existing population with a 20-year duration (Broward County) (Robert J. Moresi, ext 6603)

Chip Merriam, Deputy Executive Director, Water Resources, presented information on this agenda item. Mr. Merriam provided a summary on this requested permit and the special limiting conditions of this permit.

Motion made by Miya Burt-Stewart, seconded by Michael Collins to Approve the following item(s): 40

Vote called. Voting yes: Miya Burt-Stewart, Michael Collins, Irela Bagué, Alice Carlson, Nicolás Gutiérrez, Lennart Lindahl, Harkley Thornton, Malcolm Wade. Not present: Kevin McCarty. Motion passed.

- 79.** Approve a temporary water use permit for Orange County Utilities - South Service Area to meet demands through December, 2006 (Keith R. Smith, ext. 6620)

Chip Merriam, Deputy Executive Director, Water Resources, provided information on this agenda item.

Motion made by Harkley Thornton, seconded by Michael Collins to Approve the following item(s): 79

Vote called. Voting yes: Harkley Thornton, Michael Collins, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Malcolm Wade. Motion passed.

- 82.** Enter a Final Order imposing Phase I Moderate Water Shortage Restrictions for All Use Classes using Lake Okeechobee and Surface Water Hydraulically Connected to Lake Okeechobee within the Everglades Agricultural Area Water Use Basin, Lake Shore Perimeter Water Use Basin, Caloosahatchee River Water Use Basin, Portions of the Indian Prairie Water Use Basin, and the St. Lucie River Water Use Basin within Okeechobee, Glades, Palm Beach, Lee, Hendry, and Martin Counties. - Chip Merriam, Deputy Executive Director, Water Resources

Chip Merriam, Deputy Executive Director, Water Resources, provided information on this agenda item.

Mr. Wade provided comment on the regulation schedule and forward pumps.

Motion made by Michael Collins, seconded by Miya Burt-Stewart to Approve the following item(s): 82

Vote called. Voting yes: Michael Collins, Miya Burt-Stewart, Irela Bagué, Alice Carlson, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Abstained: Malcolm Wade. Not present: Nicolás Gutiérrez. Motion passed.

- 83.** Enter a Final Order imposing a Water Shortage Warning for All Use Classes of Surface Water and Biscayne Aquifer Water within the South Miami-Dade Water Use Basin, Water Conservation Area/Everglades National Park Water Use Basin, Water Conservation Area 3 Water Use Basin, Water Conservation Area 2 Water Use Basin, Water Conservation Area 1/C-51 Water Use Basin, M-Canal Water Use Basin, the C-18 Water Use Basin, Loxahatchee River Water Use Basin, the North Palm Beach County Water Use Basin, and the Interior Palm Beach County Water Use Basin, in order to provide notice to users of the potential for future water shortage cutbacks and request voluntary compliance with Phase I restrictions. (Monroe, Dade, Broward, Palm Beach Counties) - Chip Merriam, Deputy Executive Director, Water Resources

Chip Merriam, Deputy Executive Director, Water Resources, presented information on this agenda item.

Motion made by Michael Collins, seconded by Lennart Lindahl to Approve the following item(s): 83

Vote called. Voting yes: Michael Collins, Lennart Lindahl, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty, Harkley Thornton. Abstained: Malcolm Wade. Motion passed.

- 84.** **2006-1152** A Resolution of the Governing Board of the South Florida Water Management District requesting the United States Environmental Protection Agency to extend the comment period for the proposed Total Maximum Daily Load; providing an effective date

Chip Merriam, Deputy Executive Director, Water Resources, presented information on this agenda item.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 84

Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Not present: Nicolás Gutiérrez. Motion passed.

## **CERP**

- 42. 2006-1124** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 35.81 Acres, more or less, for the Kissimmee Chain of Lakes Project, in Polk County, in the amount of \$4,443,000, of which \$2,338,290 is for a Cost to Cure to implement engineering solutions, together with statutory costs and attorneys fees in the Total Amount of \$910,490.14, and associated costs for which dedicated (Florida Forever) and ad valorem funds are budgeted; providing an effective date. (R. Schaeffer x 2985).

Ruth Clements, Department Director, Land Acquisition, presented information on this agenda item.

Motion made by Michael Collins, seconded by Lennart Lindahl to Approve the following item(s): 42

Vote called. Voting yes: Michael Collins, Lennart Lindahl, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Harkley Thornton, Malcolm Wade. Not present: Kevin McCarty. Motion passed.

- 43. 2006-1125** A Resolution of the Governing Board of the South Florida Water Management District Requesting the Release of Funds from Florida Forever Trust Fund by the Department of Environmental Protection for the Acquisition of Land Interests Containing 35.81 Acres, More or Less, in the Total Amount of \$4,443,000, of which \$2,338,290 is for a Cost to Cure to Implement Engineering Solutions, Together with Statutory Costs and Attorneys Fees in the Amount of \$910,490.14; and Associated Costs; for the Kissimmee Chain of Lakes Project in Polk County; Providing An Effective Date (R. Schaeffer x2985)

Ruth Clements, Department Director, Land Acquisition, presented information on this agenda item.

Motion made by Lennart Lindahl, seconded by Michael Collins to Approve the following item(s): 43

Vote called. Voting yes: Lennart Lindahl, Michael Collins, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Harkley Thornton, Malcolm Wade. Not present: Kevin McCarty. Motion passed.

- 44. 2006-1126** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract 3600001368 with Black and Veatch Corporation for General Engineering Services for the EAA Reservoir A-1 project to extend the term by 3 years and 5 months, from July 8, 2007 to December 31, 2010, and change the contract amount from sharing a common pool of a not-to-exceed amount of \$100,000,000 to a stand-alone not-to-exceed amount of \$23,023,000, of which dedicated funds (Comprehensive Everglades Restoration Plan Fund) in the amount of \$2,579,951 are budgeted and the remainder is subject to Governing Board approval of the FY08-FY11 budgets; providing an effective date. (Contract Number 3600001368-A06)

Tommy Strowd, Assistant Deputy Executive Director, Acceler8, provided information on this agenda item.

Motion made by Lennart Lindahl, seconded by Malcolm Wade to Approve the following item(s): 44

Vote called. Voting yes: Lennart Lindahl, Malcolm Wade, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Kevin McCarty, Harkley Thornton. Motion passed.

- 45. 2006-1127** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract 3600000415 with URS Corporation for General Engineering Services for the Biscayne Bay and Component C Build-out projects to extend the term by 4 years and 5 months, from July 20, 2007 to December 31, 2011, and change the contract amount from sharing a common pool of a not-to-exceed amount of \$100,000,000 to a stand-alone not-to-exceed amount of \$32,280,000 of which dedicated funds (Comprehensive Everglades Restoration Trust Fund) in the amount of \$824,312 and (Everglades Trust Fund) in the amount of \$5,502,300 are budgeted and the remainder is subject to Governing Board approval of the FY08-FY12 budgets; providing an effective date. (Contract Number 3600000415-A06)

Tommy Strowd, Assistant Deputy Executive Director, Acceler8, provided information on this agenda item.

Motion made by Malcolm Wade, seconded by Lennart Lindahl to Approve the following item(s): 45

Vote called. Voting yes: Malcolm Wade, Lennart Lindahl, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Kevin McCarty, Harkley Thornton. Motion passed.

- 46. 2006-1128** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract 3600000412 with Earth Tech Consulting, Inc., for General Engineering Services for the C-9 Impoundment, Bolles Canal, EAA Conveyance and Regional Treatment, and Three Lakes Hydrologic Restoration projects to extend the term by 4 years and 5 months, from July 20, 2007 to December 31, 2011, and change the contract amount from sharing a common pool of a not-to-exceed amount of \$100,000,000 to a stand-alone not-to-exceed amount of \$30,218,000 of which dedicated funds (Comprehensive Everglades Restoration Plan Fund) in the amount of \$4,933,416 and (Everglades Trust Fund) in the amount of \$4,300,000 are budgeted and the remainder is subject to Governing Board approval of the FY08-FY12 budgets; providing an effective date. (Contract Number 3600000412-A06)

Tommy Strowd, Assistant Executive Director, Acceler8, presented information on this agenda item.

Motion made by Malcolm Wade, seconded by Alice Carlson to Approve the following item(s): 46

Vote called. Voting yes: Malcolm Wade, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Motion passed.

- 47. 2006-1129** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract 3600001370 with Brown & Caldwell for General Engineering Services for the C-111 Spreader Canal, the 3A/3B Seepage Management Area, and the Component B Build-out projects to extend the term by 4 years and 5 months, from July 28, 2007 to December 31, 2011, and change the contract amount from sharing a common pool of a not-to-exceed amount of \$100,000,000 to a stand-alone not-to-exceed amount of \$40,304,000 of which dedicated funds (Comprehensive Everglades Restoration Trust Fund) in the amount of \$11,570,580 and (Everglades Trust Fund) in the amount of \$4,161,100 are budgeted and the remainder is subject to Governing Board approval of the FY08-FY12 budgets; providing an effective date. (Contract Number 3600001370-A06)

Tommy Strowd, Assistant Executive Director, Acceler8, presented information on this agenda item.

Motion made by Malcolm Wade, seconded by Alice Carlson to Approve the following item(s): 47

Vote called. Voting yes: Malcolm Wade, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Motion passed.

- 48. 2006-1130** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 240 day contract with Wilkinson & Jenkins Construction Co., Inc., the lowest responsive and responsible bidder, for KRR Packingham Slough Flood Protection in the amount of \$2,655,000 for which dedicated Ad Valorem funds in the amount of \$2,655,000 are budgeted; providing an effective date. (Project ID FA02). Contract Number 4600000468 (Proj Mgr - Raul Pellegrino X6583)

Ruth Clements, Department Director, Land Acquisition, presented information on this agenda item.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 48

Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 77. 2006-1149** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into an agreement with Everglades National Park and Florida Power & Light Company to declare as surplus and convey to the Everglades National Park or its assigns a perpetual access and utility easement within the L-31N Right-of-Way and the adjoining South Florida Water Management District lands both North of Tamiami Trail and South of the G-211 structure that are necessary to make the connection with the existing Florida Power & Light corridor upon Florida Power & Light releasing its existing land interests within the Everglades National Park, in Miami-Dade County; at no cost; providing an effective date.(R. Clements, x6271)

Ruth Clements, Department Director, Land Acquisition, presented information on this agenda item.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 77

Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 80. 2006-1151** A Resolution of the Governing Board of the South Florida Water Management District (SFWMD) to authorize entering into an agreement with Troup Indiantown Water Control District (TIWCD), located in Martin County, Florida, to relocate, at SFWMDs expense, TIWCD facilities impacted by the C-44 Reservoir/Stormwater Treatment Area Project in the estimated amount of \$6,750,000 for which CERP capital construction funds are available, subject to a budget amendment, and to acquire approximately 255.8 acres of TIWCD land in Martin County at a cost of \$2,671,200 and 8.1 acres of Star Farms land in Martin County at a cost of \$113,400 and a cost to cure payment for drainage improvements in the amount of \$100,000 and to declare as surplus and convey to TIWCD approximately 24.2 acres of South Florida Water Management District land in Martin County and approve a budget transfer of CERP ad valorem funds from the CERP C-111 Spreader Canal Project to the CERP C-44 Reservoir and STA Project; providing an effective date. (R. Clements, x6271)

Ruth Clements, Department Director, Land Acquisition, presented information on this agenda item.

Motion made by Michael Collins, seconded by Irela Bagué to Approve the following item(s): 80

Vote called. Voting yes: Michael Collins, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty, Harkley Thornton, Malcolm Wade. Not present: Lennart Lindahl. Motion passed.

- 78. 2006-1150** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into the second amendment to the agreement for exchange of real property interests with G.L. Homes to include, as part of the exchange, transfer of the development rights associated with the 1244+/- acres located in Palm Beach County in consideration for \$10,000,000.00; authorize extension of original agreements term until 2011; providing an effective date.

Ruth Clements, Department Director, Land Acquisition, presented information on this agenda item.

Motion made by Alice Carlson, seconded by Lennart Lindahl to Approve the following item(s): 78

Vote called. Voting yes: Alice Carlson, Lennart Lindahl, Irela Bagué, Miya Burt-Stewart, Michael Collins, Nicolás Gutiérrez, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

#### **Executive Office**

- 49. 2006-1131** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year work order cost share agreement with the City of Orlando, for FY07 Orlando Water Management in the total amount of \$3,110,000, of which the District's total contribution is \$1,555,000 for which ad valorem funds are budgeted; providing an effective date.(Contract Number 4600000452) (Larry Pearson ext 3817)

Ernie Barnett, Director, Office of Policy and Legislation, provided information on this agenda item.

Motion made by Harkley Thornton, seconded by Irela Bagué to Approve the following item(s): 49

Vote called. Voting yes: Harkley Thornton, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Malcolm Wade. Motion passed.

- 85. 2006-1153** A Resolution of the Governing Board of the South Florida Water Management District expressing concern about the appropriate roles of the South Florida Ecosystem Restoration Task Force, Working Group and Science Coordination Group and their relationship to the District's role and financial capability in implementing the Comprehensive Everglades Restoration Plan and further directing the District's Executive Director and designees to convey these concerns to the groups; providing an effective date.

Sara Nall, Practice Group Manager, Office of Counsel, read into the record the Resolution for this agenda item.

Motion made by Michael Collins, seconded by Malcolm Wade to Approve the following item(s): 85

Vote called. Voting yes: Michael Collins, Malcolm Wade, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Motion passed.

### **Operations and Maintenance**

- 50. 2006-1132** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 180 day contract with American Earth Movers, Inc., the lowest responsive and responsible bidder, for the S-12D Flow-way Maintenance in the amount of \$1,379,000, for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600000477) (Lai Shafau, ext. 6243)

George Horne, Deputy Executive Director, Operations & Maintenance, presented information on this agenda item.

Ms. Wehle said this is a great day for us to move water south through the Everglades National Park and out of Water Conservation Area 3-A where the tree islands are being negatively impacted.

Motion made by Miya Burt-Stewart, seconded by Irela Bagué to Approve the following item(s): 50

Vote called. Voting yes: Miya Burt-Stewart, Irela Bagué, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 51. 2006-1133** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 150 day contract with GlobeTec Construction, LLC, the lowest responsive and responsible bidder, for the C-41 Canal Erosion Repairs, in the amount of \$2,448,000, for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600000473) (Jose Guardiario, ext. 2594)

George Horne, Deputy Executive Director, Operations & Maintenance, presented information on this agenda item.

Motion made by Alice Carlson, seconded by Michael Collins to Approve the following item(s): 51

Vote called. Voting yes: Alice Carlson, Michael Collins, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 52. 2006-1134** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with Earle Brothers LLC, one of the fifteen lowest responsive and responsible bidders, for post disaster debris hauling from designated staging areas, in the total project funding of \$15,750,000 available for the 15 contractors awarded a contract for debris hauling from designated staging areas, of which dedicated funds (Federal Emergency Management Agency) in the amount of \$4,375,000 are unbudgeted, and authorize using emergency appropriations as necessary for disaster recovery and the remainder is subject to Governing Board approval of the FY08-FY10 budgets; providing an effective date. (Contract Number 4600000481) (Linda Yarrish, ext. 6105)

George Horne, Deputy Executive Director, Operations & Maintenance, presented information on this agenda item.

These items are amended to replace any references in the titles and the bodies of the resolutions to dedicated funds (Federal Emergency Management Agency) with ad valorem funds.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 52

Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 53. 2006-1135** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with Arbor Tree & Landscape, Inc., one of the fifteen lowest responsive and responsible bidders, for post disaster debris hauling from designated staging areas, in the total project funding of \$15,750,000 available for the 15 contractors awarded a contract for debris hauling from designated staging areas, of which dedicated funds (Federal Emergency Management Agency) in the amount of \$4,375,000 are unbudgeted, and authorize using emergency appropriations as necessary for disaster recovery and the remainder is subject to Governing Board approval of the FY08-FY10 budgets; providing an effective date. (Contract Number 4600000478) (Linda Yarrish, ext. 6105)

George Horne, Deputy Executive Director, Operations & Maintenance, presented information on this agenda item.

These items are amended to replace any references in the titles and the bodies of the resolutions to dedicated funds (Federal Emergency Management Agency) with ad valorem funds.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 53

Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 55. 2006-1137** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with Ceres Environmental Services, Inc. one of the fifteen lowest responsive and responsible bidders, for post disaster debris hauling from designated staging areas, in the total project funding of \$15,750,000 available for the 15 contractors awarded a contract for debris hauling from designated staging areas, of which dedicated funds (Federal Emergency Management Agency) in the amount of \$4,375,000 are unbudgeted, and authorize using emergency appropriations as necessary for disaster recovery and the remainder is subject to Governing Board approval of the FY08-FY10 budgets; providing an effective date. (Contract Number 4600000492) (Linda Yarrish, ext. 6105)

George Horne, Deputy Executive Director, Operations & Maintenance, presented information on this agenda item.

These items are amended to replace any references in the titles and the bodies of the resolutions to dedicated funds (Federal Emergency Management Agency) with ad valorem funds.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 55

Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.



- 56. 2006-1138** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with Phillips & Jordan, Inc. one of the fifteen lowest responsive and responsible bidders, for post disaster debris hauling from designated staging areas, in the total project funding of \$15,750,000 available for the 15 contractors awarded a contract for debris hauling from designated staging areas, of which dedicated funds (Federal Emergency Management Agency) in the amount of \$4,375,000 are unbudgeted, and authorize using emergency appropriations as necessary for disaster recovery and the remainder is subject to Governing Board approval of the FY08-FY10 budgets; providing an effective date. (Contract Number 4600000491) (Linda Yarrish, ext. 6105)

George Horne, Deputy Executive Director, Operations & Maintenance, presented information on this agenda item.

These items are amended to replace any references in the titles and the bodies of the resolutions to dedicated funds (Federal Emergency Management Agency) with ad valorem funds.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 56

Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 59. 2006-1141** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with SFM Services, Inc., one of the fifteen lowest responsive and responsible bidders, for post disaster debris hauling from designated staging areas, in the total project funding of \$15,750,000 available for the 15 contractors awarded a contract for debris hauling from designated staging areas, of which dedicated funds (Federal Emergency Management Agency) in the amount of \$4,375,000 are unbudgeted, and authorize using emergency appropriations as necessary for disaster recovery and the remainder is subject to Governing Board approval of the FY08-FY10 budgets; providing an effective date. (Contract Number 4600000486) (Linda Yarrish, ext. 6105)

George Horne, Deputy Executive Director, Operations & Maintenance, presented information on this agenda item.

These items are amended to replace any references in the titles and the bodies of the resolutions to dedicated funds (Federal Emergency Management Agency) with ad valorem funds.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 59

Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 60. 2006-1142** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with Grubbs Emergency Services, LLC, one of the fifteen lowest responsive and responsible bidders, for post disaster debris hauling from designated staging areas, in the total project funding of \$15,750,000 available for the 15 contractors awarded a contract for debris hauling from designated staging areas, of which dedicated funds (Federal Emergency Management Agency) in the amount of \$4,375,000 are unbudgeted, and authorize using emergency appropriations as necessary for disaster recovery and the remainder is subject to Governing Board approval of the FY08-FY10 budgets; providing an effective date. (Contract Number 4600000485) (Linda Yarrish, ext. 6105)

George Horne, Deputy Executive Director, Operations & Maintenance, presented information on this agenda item.

These items are amended to replace any references in the titles and the bodies of the resolutions to dedicated funds (Federal Emergency Management Agency) with ad valorem funds.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 60

Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 61. 2006-1143** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with Man-Con, Inc., one of the fifteen lowest responsive and responsible bidders, for post disaster debris hauling from designated staging areas, in the total project funding of \$15,750,000 available for the 15 contractors awarded a contract for debris hauling from designated staging areas, of which dedicated funds (Federal Emergency Management Agency) in the amount of \$4,375,000 are unbudgeted, and authorize using emergency appropriations as necessary for disaster recovery and the remainder is subject to Governing Board approval of the FY08-FY10 budgets; providing an effective date. (Contract Number 4600000484) (Linda Yarrish, ext. 6105)

George Horne, Deputy Executive Director, Operations & Maintenance, presented information on this agenda item.

These items are amended to replace any references in the titles and the bodies of the resolutions to "dedicated funds (Federal Emergency Management Agency)" with "ad valorem funds".

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 61

Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 62. 2006-1144** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with Weed-A-Way, Inc., one of the fifteen lowest responsive and responsible bidders, for post disaster debris hauling from designated staging areas, in the total project funding of \$15,750,000 available for the 15 contractors awarded a contract for debris hauling from designated staging areas, of which dedicated funds (Federal Emergency Management Agency) in the amount of \$4,375,000 are unbudgeted, and authorize using emergency appropriations as necessary for disaster recovery and the remainder is subject to Governing Board approval of the FY08-FY10 budgets; providing an effective date. (Contract Number 4600000483) (Linda Yarrish, ext. 6105)

George Horne, Deputy Executive Director, Operations & Maintenance, presented information on this agenda item.

These items are amended to replace any references in the titles and the bodies of the resolutions to "dedicated funds (Federal Emergency Management Agency)" with "ad valorem funds".

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 62

Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 63. 2006-1145** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with BG Katz Nurseries, Inc., one of the fifteen lowest responsive and responsible bidders, for post disaster debris hauling from designated staging areas, in the total project funding of \$15,750,000 available for the 15 contractors awarded a contract for debris hauling from designated staging areas, of which dedicated funds (Federal Emergency Management Agency) in the amount of \$4,375,000 are unbudgeted, and authorize using emergency appropriations as necessary for disaster recovery and the remainder is subject to Governing Board approval of the FY08-FY10 budgets; providing an effective date. (Contract Number 4600000482) (Linda Yarrish, ext. 6105)

George Horne, Deputy Executive Director, Operations & Maintenance, presented information on this agenda item.

These items are amended to replace any references in the titles and the bodies of the resolutions to dedicated funds (Federal Emergency Management Agency) with ad valorem funds.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 63

Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 64. 2006-1146** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with Storm Reconstruction Services, Inc., one of the fifteen lowest responsive and responsible bidders, for post disaster debris hauling from designated staging areas, in the total project funding of \$15,750,000 available for the 15 contractors awarded a contract for debris hauling from designated staging areas, of which dedicated funds (Federal Emergency Management Agency) in the amount of \$4,375,000 are unbudgeted, and authorize using emergency appropriations as necessary for disaster recovery and the remainder is subject to Governing Board approval of the FY08-FY10 budgets; providing an effective date. (Contract Number 4600000480) (Linda Yarrish, ext. 6105)

George Horne, Deputy Executive Director, Operations & Maintenance, presented information on this agenda item.

These items are amended to replace any references in the titles and the bodies of the resolutions to dedicated funds (Federal Emergency Management Agency) with ad valorem funds.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 64

Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 66. 2006-1148** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with RAS Investments d/b/a RAS Construction Inc., one of the fifteen lowest responsive and responsible bidders, for post disaster debris hauling from designated staging areas, in the total project funding of \$15,750,000 available for the 15 contractors awarded a contract for debris hauling from designated staging areas, of which dedicated funds (Federal Emergency Management Agency) in the amount of \$4,375,000 are unbudgeted, and authorize using emergency appropriations as necessary for disaster recovery and the remainder is subject to Governing Board approval of the FY08-FY10 budgets; providing an effective date. (Contract Number 4600000479) (Linda Yarrish, ext. 6105)

George Horne, Deputy Executive Director, presented information on this agenda item.

These items are amended to replace any references in the titles and the bodies of the resolutions to dedicated funds (Federal Emergency Management Agency) with ad valorem funds.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 66

Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 81. ITEM 52 through and including ITEM 66:** These items are amended to replace any references in the titles and the bodies of the resolutions to dedicated funds (Federal Emergency Management Agency) with ad valorem funds.

- 57. 2006-1139** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with Tony's Tree Service, Inc. one of the fifteen lowest responsive and responsible bidders, for post disaster debris hauling from designated staging areas, in the total project funding of \$15,750,000 available for the 15 contractors awarded a contract for debris hauling from designated staging areas, of which dedicated funds (Federal Emergency Management Agency) in the amount of \$4,375,000 are unbudgeted, and authorize using emergency appropriations as necessary for disaster recovery and the remainder is subject to Governing Board approval of the FY08-FY10 budgets; providing an effective date. (Contract Number 4600000488) (Linda Yarrish, ext. 6105)

George Horne, Deputy Executive Director, Operations & Maintenance, presented information on this agenda item.

These items are amended to replace any references in the titles and the bodies of the resolutions to dedicated funds (Federal Emergency Management Agency) with ad valorem funds.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 57

Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 58. 2006-1140** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with South Florida Land Clearing, Inc., one of the fifteen lowest responsive and responsible bidders, for post disaster debris hauling from designated staging areas, in the total project funding of \$15,750,000 available for the 15 contractors awarded a contract for debris hauling from designated staging areas, of which dedicated funds (Federal Emergency Management Agency) in the amount of \$4,375,000 are unbudgeted, and authorize using emergency appropriations as necessary for disaster recovery and the remainder is subject to Governing Board approval of the FY08-FY10 budgets; providing an effective date. (Contract Number 4600000487) (Linda Yarrish, ext. 6105)

George Horne, Deputy Executive Director, Operations & Maintenance, presented information on this agenda item.

These items are amended to replace any references in the titles and the bodies of the resolutions to dedicated funds (Federal Emergency Management Agency) with ad valorem funds.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 58

Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 65. 2006-1147** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with Sunshine 2000 Construction & Development, Inc., one of the fifteen lowest responsive and responsible bidders, for post disaster debris hauling from designated staging areas, in the total project funding of \$15,750,000 available for the 15 contractors awarded a contract for debris hauling from designated staging areas, of which dedicated funds (Federal Emergency Management Agency) in the amount of \$4,375,000 are unbudgeted, and authorize using emergency appropriations as necessary for disaster recovery and the remainder is subject to Governing Board approval of the FY08-FY10 budgets; providing an effective date. (Contract Number 4600000489) (Linda Yarrish, ext. 6105)

George Horne, Deputy Executive Director, Operations & Maintenance, presented information on this agenda item.

These items are amended to replace any references in the titles and the bodies of the resolutions to "dedicated funds (Federal Emergency Management Agency)" with "ad valorem funds".

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 65

Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 54. 2006-1136** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year work order contract with Thomas Maintenance Service, Inc. one of the fifteen lowest responsive and responsible bidders, for post disaster debris hauling from designated staging areas, in the total project funding of \$15,750,000 available for the 15 contractors awarded a contract for debris hauling from designated staging areas, of which dedicated funds (Federal Emergency Management Agency) in the amount of \$4,375,000 are unbudgeted, and authorize using emergency appropriations as necessary for disaster recovery and the remainder is subject to Governing Board approval of the FY08-FY10 budgets; providing an effective date. (Contract Number 4600000490) (Linda Yarrish, ext. 6105)

George Horne, Deputy Executive Director, Operations & Maintenance, presented information on this agenda item.

These items are amended to replace any references in the titles and the bodies of the resolutions to dedicated funds (Federal Emergency Management Agency) with ad valorem funds.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 54

Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton. Not present: Malcolm Wade. Motion passed.

- 67. Public Comment**

There was no public comment.

## Public Hearing

## **Water Resources**

- 68.** Adopt amendments to Chapter 40E-8, F.A.C., to implement minimum flows and levels pursuant to Section 373.042, F.S., for Florida Bay. (John Mulliken, ext 6649)

Chair McCarty opened the public hearing.

Chip Merriam, Deputy Executive Director, Water Resources, presented information on this agenda item.

Chair McCarty closed the public hearing.

Motion made by Michael Collins, seconded by Irela Bagué to Approve the following item(s): 68

Vote called. Voting yes: Michael Collins, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

- 69.** Adopt amendments to Rules 40E-1.659 and 40E-4.091, F.A.C., with changes approved by JAPC, to incorporate conservation easement and restrictive covenant forms and to incorporate conservation language for plats (Anita Bain, ext 6866)

This public hearing was opened on October 12, 2006. This is a continuation of that public hearing.

Chip Merriam, Deputy Executive Director, presented information on this agenda item.

Chair McCarty closed the public hearing.

Motion made by Michael Collins, seconded by Lennart Lindahl to Approve the following item(s): 69

Vote called. Voting yes: Michael Collins, Lennart Lindahl, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty, Harkley Thornton, Malcolm Wade. Motion passed.

## Staff Reports

- 70. General Counsel Report - Sheryl Wood**

Scott Glazier, Practice Group Manager, Office of Counsel, provided information on General Counsel Report.

Mr. Glazier reported on one issue in the West Coast and requested approval from the Board to seek outside counsel to get objective advice. The Governing Board approved this.

Ms. Wehle provided comment on the management side of this case.

- 71. Executive Director's Report - Carol Wehle**

Ms. Wehle reported on November 4th, the Everglades website was "Yahoo's Pick of the Day".

Tom Olliff reported that Doug Lott, Professional Supervisor, West Palm Beach Field Station, sent an email thanking staff for the packages sent to him in Iraq.

**72. Board Comment**

Ms. Burt-Stewart recommended we provided four to five care packages sent to those serving in Iraq on a monthly basis.

Mr. Wade thanked Mr. Collins for hosting the meeting.

Ms. Bagué provided comment on the water shortage warning and working with the Service Centers for Outreach.

**Closed Door Agenda**

**Executive Office**

**73. Closed-door Session**

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Tohopekaliga Water Authority v. St. Johns River Water Management District and Orange County Utilities Division, St. Johns River Water Management District, CUP No. 3317.

Sheryl G. Wood, General Counsel, Office of Counsel

**Action Items (if any) Stemming from Closed Session**

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Tohopekaliga Water Authority v. St. Johns River Water Management District and Orange County Utilities Division, St. Johns River Water Management District, CUP No. 3317.

Sheryl G. Wood, General Counsel, Office of Counsel



#### **74. Closed-door Session**

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein.

Sheryl G. Wood, General Counsel, Office of Counsel

#### **Action Items (if any) Stemming from Closed Session**

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein.

Sheryl G. Wood, General Counsel, Office of Counsel

#### **75. Closed-door Session**

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

Sheryl G. Wood, General Counsel, Office of Counsel

#### **Action Items (if any) Stemming from Closed Session**

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

Sheryl G. Wood, General Counsel, Office of Counsel

Chair McCarty announced that the Governing Board would adjourn to closed-door session at 9:28 am and would reconvene in approximately one hour.

Chair McCarty reconvened the meeting at 9:48 a.m.

Chair McCarty reported there was one closed-door session, Item 75.

Chair McCarty reported no action was taken.

## Adjournment

### **76. Adjourn**

Chair McCarty adjourned the meeting at 11:18 am.

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Kevin McCarty, Chairman  
South Florida Water Management District

Recorded by:

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Cathy Widness  
Administrative Assistant Senior  
Governing Board and Executive Services  
SFWMD